

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BILLY SULLIVAN,

Plaintiff,

v.

UNKNOWN HEWSON, et al.,

Defendants.

Case No. 2:23-cv-148

HON. JANE M. BECKERING

ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendant Sandi Heikkinen (named in the Complaint as C/O Heikkinen) filed a Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 17). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 22) on October 24, 2024, recommending that this Court deny the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 22) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 17) is DENIED. Plaintiff's following First and Eighth Amendment claims against Defendants remain:

- 1) CO Hewson: assault, excessive force, and retaliation on February 24, 2023;
- 2) CO Heikkinen: observation of assault, failure to protect, and retaliation on February 24, 2023.

Dated: November 21, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge